

Policy: 1120
Procedure: 1120.03
Chapter: Confidentiality
Rule: Juvenile File - Requests for Information

Effective: 03/13/08
Replaces: 1120/1121
Dated: 11/21/01

Purpose:

The Arizona Department of Juvenile Corrections (ADJC) does not release juvenile file information, Education, or Health records of juveniles to the public except as prescribed by law.

Rules:

1. Access to Department files/records by agencies other government departments, or students conducting research is subject to approval by the Director, Leadership Team members, Attorney General Liaison (AGL), and/or the secure facility Superintendent/Parole Administrator. **ADJC** shall maintain control of all original juvenile records and files.
2. **ADJC EMPLOYEES** shall ensure that all requests for information are forwarded to the Legal Systems Division for review and approval:
 - a. The **AGL** shall authorize the release of information only upon its review and approval for release;
 - b. **HEALTH SERVICES PERSONNEL** shall process medical records requests regarding continuity of care of juveniles to community providers and the Social Security Administration for benefit purposes. Such requests are not required to be reviewed by the AGL, except if Health Services personnel requests review by the AGL;
 - c. The **CENTRAL OFFICE RECORDS TECHNICIAN** shall copy the document(s) being requested and forward the copied documents and the original request(s) to the Legal Systems Division only upon review and approval of a request for records;
 - d. The **AGL OR DESIGNEE** shall forward the copied documents to the requesting agency, only upon their review and approval for release.
3. The **CENTRAL OFFICE RECORDS TECHNICIAN** shall ensure that requests for records from the public include the following:
 - a. The name, address, and daytime telephone number of the requestor;
 - b. The affiliation or association of the person;
 - c. A statement of the exact data requested;
 - d. A statement identifying the distribution of disclosed information;
 - e. The signature of the requestor accompanied by a copy of a valid signed government issued picture I.D.;
 - f. A notarized authorization to release information signed by the individual whose information is being requested:
 - i. If it is a juvenile under the age of 18, a signed release by the juvenile or parent and/or legal guardian;
 - ii. If it is a former juvenile over the age of 18, a signed release by the juvenile.
4. The **CENTRAL OFFICE RECORDS TECHNICIAN AND THE AGL** shall ensure that the following documents **are open** to public inspection without an order from the Court. **ADJC** shall only consider exceptions in cases where the Court determines a need to protect the welfare of the victim, the welfare of another party, or a clear public interest in confidentiality:
 - a. Arrest Records;
 - b. Delinquency and Disposition hearings;
 - c. A summary of delinquency, disposition;
 - d. Revocation of probation hearings;
 - e. Appellate review; and

- f. Diversion proceedings involving delinquent acts.
5. The **CENTRAL OFFICE RECORDS TECHNICIAN AND THE AGL** shall ensure that the following documents and related juvenile information are **non-disclosable** and safeguarded from public inspection except upon order of the Court or other such legally permissible authorization or a signed release by the juvenile's parent and/or legal guardian or a signed release of a former juvenile who is an adult (over 18 years of age):
- a. Social Security Numbers;
 - b. Credit/Debit Card or other financial data;
 - c. Diagnostic Evaluations;
 - d. Psychiatric and Psychological Reports;
 - e. Treatment Records;
 - f. Medical Reports;
 - g. Social Studies;
 - h. Child Protective Services Records;
 - i. Police Reports;
 - j. Predisposition Reports;
 - k. Detention Records;
 - l. Probation Department documentation;
 - m. Juvenile Adoption information;
 - n. Victim information;
 - o. Dependency, severance, and other related proceedings;
 - p. Drug and alcohol treatment records:
 - i. These records require the parent and the juvenile's authorization for disclosure (42 Code of Federal Regulations [CFR] sec. 2.32).
6. The **CENTRAL OFFICE RECORDS TECHNICIAN AND THE AGL** shall ensure:
- a. That requests for public records that are subject to inspection, copying, and disclosure are assessed a reproduction cost for services at the rate of \$10.00 per hour and ten cents per copy;
 - b. That no fee is charged for the inspection of juvenile public records; and
 - c. That ADJC employees and other government agencies are not assessed any reproduction fees for records copied.
7. The **AGL OR DESIGNEE** shall:
- a. Ensure that requests for public records containing information that is non-disclosable is separated and removed;
 - b. Ensure confidentiality by marking out, redacting, or removing any information from the public records.
8. **ADJC EMPLOYEES** shall immediately deliver any subpoenas and/or court orders issued by the Court to the Legal Systems Assistant Director or the AGL. The **DEPARTMENT, THROUGH THE AGL**, shall surrender any document or record in response to a subpoena issued by the Court, unless a motion to quash is filed with the Court. The handling of such requests is referred to as the Subpoena Duces Tecum and is handled in accordance with Policy 1308 Response to Subpoenas, and Procedures 1308.01 Response to Court Summons, Subpoena, Notice of Deposition or Interview, Court Orders, and Jury Duty, and 1308.02 Response to Requests for Documents and Files.
9. **ADJC EMPLOYEES** shall ensure that research projects that require release of information from juvenile records shall be performed in accordance with Policy 1130 Research and Procedure 1130.01 Outside Research Requests. **ADJC EMPLOYEES, EDUCATIONAL INSTITUTIONS, OR AGENCIES REQUESTING JUVENILE RECORDS FOR THE PURPOSE OF RESEARCH** shall:

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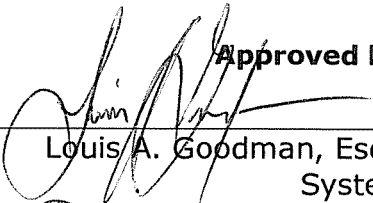
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- a. Ensure that they receive written approval from the Director, the appropriate Assistant Director, AGL, and/or secure facility Superintendent/Parole Administrator before beginning any project;
 - b. Have the juvenile and his/her parent or legal guardian sign and date Form 1130.01A Juvenile's Research Subject Consent, provide identification and the written authorization to conduct research Form 1130.01B Non-Disclosure Agreement, and 1130.01C Waiver of Liability and Consent to Comply to the Central Office Records Technician:
 - i. The **CENTRAL OFFICE RECORDS TECHNICIAN** shall insert the copy of the juvenile's signed and dated Juvenile Research Subject Consent form in the juvenile's Field File prior to release of any record information.
 - c. Safeguard the information and not take the records to requestor's private residence;
 - d. Not permit the juvenile to have access to these records under any circumstances.
10. The **CENTRAL OFFICE RECORDS TECHNICIAN OR DESIGNEE** shall authorize ADJC employees to review Central Office juvenile records only when specific criteria have been followed:
- a. The **EMPLOYEE** shall submit a two day advanced written notice to the Central Office Records Clerk when requesting ten or more files;
 - b. **EMPLOYEES** may submit request in person, electronically, or by fax;
 - c. **EMPLOYEES** shall present an approved picture identification verifying employment with the Department and the completed Form 1120.02B Juvenile File Check-Out Slip to the Central Office Records Clerk prior to reviewing or reproducing juvenile records.
11. The **CENTRAL OFFICE RECORDS TECHNICIAN** shall maintain juvenile records at Central Office and the Department of Library, Archives, and Public Records at the Record Management Division. Delays of three to five working days may occur when the files are located at the Records Management Division.

Signature Date

3/10/08


Approved by Process Owner


Louis A. Goodman, Esq., Assistant Director of Legal
Systems Division

Effective Date

3/13/08

Approved by


Michael D. Branham, Director